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24112 7590 04/13/2010 COATS & BENNETT, PLLC 1400 Crescent Green, Suite 300 Cary, NC 27518				
EXAMINER				
CASCA, FRED A				
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2617				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/672,233

Applicant(s)

JULKA ET AL.

Examiner

FRED A. CASCA

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30-43 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-9, 11-13, 16-23, 25-29 is/are rejected.
- 7) ☒ Claim(s) 7, 10, 14, 15, 24, 41 and 42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to applicant's amendment filed on October 07, 2009. Claims 1-43 are still pending in the present application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sayeedi (U.S. Pub. No. 2003/0063584 A1) in view of Wang et al (US 6,909899 B2).

Referring to claim 17, Sayeedi discloses a method of managing dormant handoffs of mobile stations at a wireless communication network Packet Control Function (figures 1-3, abstract, paragraph 2 “dormant mode, packet data mobile handoffs”), the method comprising:

recognizing that a mobile station undergoing dormant handoff (paragraph 2); and
sending an indication of service instance to a Base Station supporting the dormant handoff of the mobile station (figures 1-3, paragraphs 2, 5 and paragraph 16, “mobile station (MS) requests a dormant mode handoff to a new base site controller”).

Sayeedi does not specifically disclose that recognizing of the dormant handoff is for multiple packet data service instances and sending of the indication is for the multiple packet data service instances, in the format claimed.

However, a mobile station having multiple packet data service instances and handing off the multiple packet data service instances is conventional in CDMA2000 communications, as disclosed by Wang.

Wang discloses a Mobile station handing off multiple packet data service instances (Par. 3, lines 28-29 and lines 37-43, and Par. 11, lines 21-25).

It would have been obvious to a person of skill in the art at the time of invention to modify the invention of Sayeedi in the format claimed by incorporating the teachings of Wang, for the purpose of providing an efficient communication system.

4. Claims 1-2, 5, 8, 11, 13, 16 and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sayeedi (U.S. Pub. No. 2003/0063584 A1) in view of Wang et al (US 6,909,899 B2) and further in view of Lancelot et al (US Patent No. 6026086).

Referring to claim 1, Sayeedi discloses a method of managing dormant handoffs of mobile stations at a wireless communication network Base Station (BS) (abstract, paragraph 2 “dormant mode, packet data mobile handoffs”, and Fig. 1-3), the method comprising:

initiating dormant handoff of a mobile station that is undergoing a packet data mobility event responsive to receiving a first dormant handoff request from the mobile station for a first packet data service instance of the mobile station (paragraph 2); and

recognizing that a mobile station undergoing dormant handoff has a packet data service instance (paragraphs 2 and 5, figures 1-3, and paragraph 16, “mobile station (MS) requests a dormant mode handoff to a new base site controller”) and

selectively assigning a traffic channel to the mobile station to assist the mobile station in the handoff process (paragraphs 2-9, particularly Par. 2 and 3, figures 1-3, and paragraph 16, “BSC receives the Origination message, which indicates . . . whether MS 140 has data ready to send. If MS 140 has data ready to send, then a traffic channel will be required . . . to establish this channel”).

Sayeedi does not specifically disclose that recognizing of the dormant handoff is for multiple packet data service instances and sending of the indication is for the multiple packet data service instances, in the format claimed.

However, a mobile station having multiple packet data service instances and handing off the multiple packet data service instances is conventional in CDMA2000 communications, as disclosed by Wang.

Wang discloses a Mobile station handing off multiple packet data service instances (Par. 3, lines 28-29 and lines 37-43, and Par. 11, lines 21-25).

It would have been obvious to a person of skill in the art at the time of invention to modify the invention of Sayeedi in the format claimed by incorporating the teachings of Wang, for the purpose of providing an efficient communication system.

The combination above does not specifically disclose assigning a traffic channel to the mobile station so that the mobile station can send additional dormant handoff requests (sending control signals over a traffic channel), as claimed.

Lancelot discloses recognizing that a mobile station requires a traffic channel over which to send control signals, and sending control channels over a traffic channel (col. 6, lines 36-54, “the secondary station 110 requests an assignment of a traffic channel, and then transmits a

registration message over the assigned traffic channel of the plurality of traffic channels”, note that the request made by secondary station 110 prompts the recognition that a need for traffic channels is indicated, and subsequently a traffic channel is assigned).

It would have been obvious to one of the ordinary skills in the art at the time of invention to modify the method of Sayeedi by incorporating the teachings of Lancelot, and consequently providing the method of Sayeedi to transmit handoff request signals over the traffic channel, for the purpose of reducing overhead and preserving the control channel and consequently providing efficient resource allocation.

Referring to claim 2, the combinations of Sayeedi/Wang/Lancelot disclose the method of claim 1, and further disclose recognizing that the mobile station has additional packet data service instances requiring dormant handoff comprises receiving a multiple service instance indicator in a message returned by a Packet Control Function (PCF) in response to the BS initiating dormant handoff of the mobile station (Sayeedi, paragraphs 2-9, figures 1-3, and paragraph 16, note that any indication or request for packet data service instances requiring dormant handoff inherently is communicated via the PCF, Wang, Par. 3, lines 28-29 and lines 37-43, and Par. 11, lines 21-25, and Fig. 1-5).

It would have been obvious to a person of skill in the art at the time of invention to modify the above combination in the format claimed for the purpose of providing an efficient communication system.

Referring to claim 5, the combinations of Sayeedi/Wang/Lancelot disclose the method of claim 1, and further disclose selectively assigning a traffic channel to the mobile station

comprises selectively assigning or not assigning (inherent) a traffic channel to the mobile station based on resource availability at the BS (see the rejection of claim 1).

Referring to claim 8, the combinations of Sayeedi/Wang/Lancelot disclose the method of claim 1, and further disclose receiving a first dormant handoff request from the mobile station for a first packet data service instance of the mobile station comprises receiving an Origination message from the mobile station over a common access channel of the BS (Sayeedi, paragraphs 2-9, figures 1-3, and paragraph 16, and see the rejection claim 1).

Referring to claim 11, the combinations of Sayeedi/Wang/Lancelot disclose the method of claim 1, and further disclose initiating dormant handoff of each additional packet data service instance responsive to receiving each additional dormant handoff request (see the rejection of claims 1 and 2).

Referring to claim 13, the combinations of Sayeedi/Wang/Lancelot disclose the method of claim 1.

The combinations of Sayeedi/Wang/Lancelot do not specifically disclose retaining information obtained during a prior hard handoff of the mobile station regarding a number of packet data service instances associated with the mobile station.

It would have been obvious design choice to modify Saheed/Lancelot's invention by retaining information obtained during a prior hard handoff of the mobile station regarding a number of packet data service instances associated with the mobile station, since applicant has not disclosed by retaining information obtained during a prior hard handoff of the mobile station regarding a number of packet data service instances associated with the mobile station solves any stated problems or is for any particular purpose and it appears the dormant handoff would

perform equally well without any knowledge of prior hard handoff of the mobile station regarding a number of packet data service instances associated with the mobile station.

Referring to claim 16, the combinations of Sayeedi/Wang/Lancelot disclose the method of claim 13.

The combinations of Sayeedi/Wang/Lancelot do not specifically disclose retaining information obtained during a prior hard handoff of the mobile station regarding a number of packet data service instances associated with the mobile station comprises retaining service instance information received from a source BS during the prior hard handoff of the mobile station.

It would have been obvious design choice to modify Saheed/Lancelot's invention by retaining information obtained during a prior hard handoff of the mobile station regarding a number of packet data service instances associated with the mobile station comprises retaining service instance information received from a source BS during the prior hard handoff of the mobile station, since applicant has not disclosed by retaining information obtained during a prior hard handoff of the mobile station regarding a number of packet data service instances associated with the mobile station solves any stated problems or is for any particular purpose and it appears the dormant handoff would perform equally well without any knowledge of prior hard handoff of the mobile station regarding a number of packet data service instances associated with the mobile station.

Referring to claim 18, the combination of Sayeedi/Wang discloses the method of claim 17.

The combination does not specifically disclose the BS assigns a traffic channel to the mobile station as claimed by the applicant.

Lancelot discloses recognizing that a mobile station requires a traffic channel over which to send control signals, and sending control channels over a traffic channel (col. 6, lines 36-54, “the secondary station 110 requests an assignment of a traffic channel, and then transmits a registration message over the assigned traffic channel of the plurality of traffic channels”, note that the request made by secondary station 110 prompts the recognition that a need for traffic channels is indicated, and subsequently a traffic channel is assigned).

It would have been obvious to one of the ordinary skills in the art at the time of invention to modify the method of Sayeedi by incorporating the teachings of Lancelot, and consequently providing the method of Sayeedi to assign a traffic channel to the mobile station responsive to receiving the indication from the PCF, and further comprising suppressing a subscriber accounting message that is normally sent by the PCF to a Packet Data Serving Node (PDSN) as part of assigning traffic channels to mobile stations, for the purpose of reducing overhead and preserving the control channel and consequently providing efficient resource allocation.

Referring to claim 19, the combinations of Sayeedi/Wang/Lancelot disclose the method claim 18, and further disclose sending a subscriber accounting message responsive to detecting data transfer to or from the mobile station for any packet data service instance (paragraphs 2-9 and figures 2-3, Wang, Par. 3, lines 28-29 and lines 37-43, and Par. 11, lines 21-25, and Fig. 1-5).

Referring to claim 20, the combinations of Sayeedi/Wang/Lancelot disclose the method claim 17, and further disclose recognizing that a mobile station undergoing dormant handoff has

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multiple packet data service instances comprises recognizing an indication of multiple packet data service instances in a registration reply message returned by a Packet Data Serving Node (PDSN) as part of re-registering a first one of the multiple packet data service instances (paragraphs 2-9 and figures 2-3).

Referring to claim 21, the combinations of Sayeedi/Wang/Lancelot disclose the method claim 20, and further disclose sending an indication of the multiple packet data service instances to a Base Station (BS) supporting the dormant handoff of the mobile station comprises passing the indication of the multiple packet data service instances received from the PDSN along to the BS unless the PCF has already set up an A8 connection for the mobile station (figures 2-3, and paragraphs 2-9 and 16, and 13, Wang, Par. 3, lines 28-29 and lines 37-43, and Par. 11, lines 21-25, and Fig. 1-5).

Referring to claim 22, the combinations of Sayeedi/Wang/Lancelot disclose the method of claim 17, and further disclose sending an indication of the multiple packet data service instances to a Base Station (BS) supporting the dormant handoff of the mobile station comprises sending a multiple service instance count to the BS (paragraphs 13-19, and 23-25, Wang, Par. 3, lines 28-29 and lines 37-43, and Par. 11, lines 21-25, and Fig. 1-5).

Referring to claim 23, claim 23 defines a method of managing dormant handoffs reciting features analogous to the features of managing dormant handoff method of claim 13. Thus the combinations of Sayeedi/Wang/Lancelot disclose all elements of claim 23 (please see the rejection of claim 13 above).

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5. Claims 3-4, 6, 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sayeedi (U.S. Pub. No. 2003/0063584 A1) in view of Wang et al (US 6,909,899 B2) and further in view of Lancelot et al (US Patent No. 6026086) and further in view of well known prior art (MPEP 2144.03).

Referring to claim 3, the combinations of Sayeedi/Wang/Lancelot disclose the method of claim 1, and further disclose selectively assigning a traffic channel to the mobile station comprises assigning the traffic channel (Sayeedi, paragraphs 2-9, figures 1-3, and paragraph 16, and see the rejection of claim 1).

, and further

The combination does not specifically disclose comparing a total number of instances to a threshold.

The examiner takes official notice of the fact that assigning a condition based on a threshold value is well known in the art.

Thus, it would have been obvious to one of the skills in the art to modify the above combination in the format claimed for the purpose of providing an efficient communication system.

Referring to claim 4, the combinations of Sayeedi/Wang/Lancelot disclose the method of claim 1, and further disclose selectively assigning a traffic channel to the mobile station comprises assigning the traffic channel if the mobile station has two or more packet data service instances (Sayeedi, paragraphs 2-9, figures 1-3, and paragraph 16, Wang, Par. 3, lines 28-29 and lines 37-43, and Par. 11, lines 21-25, and Fig. 1-5, and also see the rejection of claim 1 and 3. Note that a two or three value of packet data service is referred to as a threshold value).

Referring to claim 6, the combinations of Sayeedi/Wang/Lancelot discloses the method of claim 5.

The combination is silent on assigning a traffic channel to the mobile station comprises selectively assigning or not assigning a traffic channel to the mobile station further based how many additional packet data service instances the mobile station has.

The examiner takes official notice of the fact that assigning or not assigning a traffic channel to the mobile station further based the number of additional packet data service instances is well known in the art.

Thus, it would have been obvious to one of the skills in the art to modify the above combination in the format claimed for the purpose of providing an efficient communication system.

Referring to claim 9, the combinations of Sayeedi/Wang/Lancelot discloses the method of claim 8.

The combination is silent on receiving the additional dormant handoff requests as enhanced Origination messages from the mobile station over the assigned traffic channel.

The examiner takes official notice of the fact that using Enhanced Origination messages for additional dormant handoff requests is well known in the art.

Thus, it would have been obvious to one of the skills in the art to modify the above combination in the format claimed for the purpose of providing an efficient communication system.

Referring to claim 12, the combinations of Sayeedi/Wang/Lancelot discloses the method of claim 11.

The combination is silent on receiving the additional dormant handoff requests as Enhanced Origination messages from the mobile station over the assigned traffic channel, in the format claimed.

The examiner takes official notice of the fact that using Enhanced Origination messages for additional dormant handoff requests is well known in the art.

Thus, it would have been obvious to one of the skills in the art to modify the above combination in the format claimed for the purpose of providing an efficient communication system.

6. Claims 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al (US 6,909,899 B2).

Referring to claim 25, Wang discloses a method of managing dormant handoffs of mobile stations at a wireless communication network Packet Data Serving Node (PDSN) (Figures 1-2 and 11, and Col. 3, lines 24-60), the method comprising: receiving a registration request message for a first packet data service instance associated with a mobile station undergoing a dormant handoff (Figure 1 and Col. 4, lines 7-25); determining that more than one packet data service instance is associated with the mobile station (Fig. 1 and Col. 3, lines 44-60, note that T-PDSN needs to know which SI is the main SI, as the T-PDSN needs to negotiate PPP set up. Further note that the S-PDSN provides the T-PDSN with the necessary information to establish connection. Accordingly, determining if therefore determining that more than one packet data service instance is associated with the mobile station, e.g., if there is an "AUX SI" is inherent in performing a dormant handoff); and sending an indication of multiple packet data service

instances (Col. 3, lines 52-59, note that the T-PDSN must know the which SI is the main SI and the S-PDSN provides such information).

Wang is silent on whether or not the indication of multiple packet data service instances is sent in a registration reply message responsive to the registration request message, as claimed.

However, Wang discloses the S-PDSN replies with a Registration Reply (RRP) sending the necessary information to establish a dormant handoff and further Wang discloses that the S-PDSN provides the S-PDSN information about the SI information. Thus, Wang discloses both informing the T-PDSN about SI and communicating through Registration Reply (RRP) (col. 3, lines 35-60 and col. 4, lines 15-50 and Fig. 1).

Thus, it would have been obvious to a person of ordinary skill in the art at the time of invention to modify the invention of Wang such the process of informing the T-PDSN about the SI is sent in a registration reply message responsive to the registration request message, for the purpose of managing the handoff process in an efficient way.

Referring to claim 26, Wang discloses the method of claim 25, and further disclose the indication of multiple packet data service instances comprises a service instance count value included in the registration reply message, and wherein the service instance count value depends on a number of packet data service instances associated with the mobile station (Wang, Col. 3, lines 15—col. 4, lines 45, note that the MAIN SI and AUX SI is determined. In a CDMA2000 handoff knowing the number of service instances is inherent in order for handoff to take place completely. Otherwise, if one of the instances is missed due to not knowing how many instances are involved, data communicated through that missed instance will be lost).

Referring to claim 27, Wang discloses the method of claim 25, and further discloses sending an indication of multiple packet data service instances in a registration reply message responsive to the registration request message comprising including a multiple service instance count in the registration reply message (see the rejection of claim 25).

Referring to claim 28, Wang discloses the method of claim 25.

Wang is silent on suppressing the indication of multiple packet data service instances in subsequent registration reply messages corresponding to additional registration request messages received for any additional packet data service instances associated with the mobile station.

It would have been an obvious design choice to modify the invention of Wang by suppressing the indication of multiple packet data service instances in subsequent registration reply messages corresponding to additional registration request messages received for any additional packet data service instances associated with the mobile station since the applicant has not disclosed that suppressing the indication of multiple packet data service instances in subsequent registration reply messages corresponding to additional registration request messages received for any additional packet data service instances associated with the mobile station would solve any stated problem or is for any stated problem, and it appears that not suppressing the indication of multiple service instances in subsequent registration relay messages would work equally well.

7. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sayeedi (U.S. Pub. No. 2003/0063584 A1) in view of Wang et al (US 6,909,899 B2) and further in view of Lancelot et al (US Patent No. 6026086).

Referring to claim 29, Sayeedi discloses a method of improving dormant handoff of mobile stations in CDMA2000 wireless communication networks (abstract, paragraph 2 “dormant mode, packet data mobile handoffs”, and Fig. 1-3), the method comprising: receiving a dormant handoff request from a mobile station for a first packet data service instance via a common access channel shared with other mobile stations (Par. 2, note that Sayeedi’s request is either via a control channel or a traffic channel where both reads on a common channel); and assigning a traffic channel to the mobile station to cause the mobile station (Par. 20 and 21).

Sayeedi is silent on determining whether the mobile station is associated with multiple packet data service instances.

Wang discloses determining whether the mobile station is associated with multiple packet data service instances (Col. 3, lines 28-29 and lines 37-43, and Par. 11, lines 21-25, and Col. 4, lines 15-55).

It would have been obvious to a person of skill in the art at the time of invention to modify the invention of Sayeedi in the format claimed by incorporating the teachings of Wang, for the purpose of providing an efficient communication system.

The combination above does not specifically disclose assigning a traffic channel to the mobile station so that the mobile station can send additional dormant handoff requests (sending control signals over a traffic channel), as claimed.

Lancelot discloses recognizing that a mobile station requires a traffic channel over which to send control signals, and sending control channels over a traffic channel (col. 6, lines 36-54, “the secondary station 110 requests an assignment of a traffic channel, and then transmits a

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registration message over the assigned traffic channel of the plurality of traffic channels”, note that the request made by secondary station 110 prompts the recognition that a need for traffic channels is indicated, and subsequently a traffic channel is assigned).

It would have been obvious to one of the ordinary skills in the art at the time of invention to modify the method of Sayeedi by incorporating the teachings of Lancelot, and consequently providing the method of Sayeedi to transmit handoff request signals over the traffic channel, for the purpose of reducing overhead and preserving the control channel and consequently providing efficient resource allocation.

Allowable Subject Matter

8. Claims 30-43 are allowed.
9. Claims 7, 10, 14, 15, 24, 41 and 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments with respect to claims 1-43 have been considered but are they are moot in view of new grounds of rejection.

Arguments with respect to claims 1-2, 5, 7-8, 11, and 13-43 are moot in view of new ground of rejection.

Applicant's arguments with respect to claims 3, 4, 6, 9 and 12 have been fully considered but they are not persuasive.

Regarding claims 3, 4, and 6, the concept of assigning total number of multiple service instance instances (connections) compared to a threshold or based on the number of service instances is disclosed in Balazinski (US 2002/0167909), par. 44). With respect to claim 3, a person of ordinary skill in the art having the knowledge of the assignment of a traffic for multiple service instances (as in Sayeedi) would be able to figure out that the assignment of a traffic channel for only a few service instance would be a waste of traffic channel. With respect to claim 4, claim 4 is similar to claim 3, e.g., the threshold can be set to two or more service instances. Thus, the same argument can be applied here. With respect to claim 6, again the issue is the assignment of a traffic channel based on the number of service instances, thus, a person of ordinary skill would be able to figure out whether to assign a traffic channel or not based on the number of additional service instances.

With respect to claims 9 and 12, the concept of sending signals via Enhanced Origination Message is taught by Wang (US 20020055364) in paragraph 78. A person of ordinary skill in the art having the invention of Sayeedi and the Wang (US 20020055364) would be able to modify the invention of Sayeedi such that the EOM would be used for sending the additional handoff requests.

In response to arguments that Sayeedi does not disclose recognizing that a mobile station undergoing dormant handoff, the examiner respectfully disagrees. Sayeedi in paragraph 2 discloses that an MS requests a dormant handoff. A person of ordinary skill in the art would understand that such request for a dormant handoff let the serving nodes(e.g., the base station) know that the MT is undergoing a dormant handoff.

In response to arguments that Sayeedi does not disclose mention multiple packet data service instances, the examiner asserts that this limitation of the claim, as clearly stated in the previous rejection, is rejected based on the teachings by the combination of Sayeedi, Wang and the level of an ordinary skill in the art. A person of ordinary skill in the art would understand that a mobile station having multiple packet data service instances is conventional in CDMA2000. Wang teaches a Mobile station handing off multiple packet data service instances. Sayeedi teaches dormant handoff in CDMA2000, consequently a person of ordinary skill would be able to combine the two references in the format as claimed by applicant. Arguments with respect to PCF is not persuasive. PCF is inherent in CDMA2000 and Sayeedi's invention is on dormant handoff in CDMA2000. Further, the mere mentioning of PCF in the preamble of the claim does not carry any patentability weight.

In response to applicant's arguments on the background of the applicant's disclosure, e.g., the statement that Applicant's Background also stated that, "Current and past generation IS-2000 mobile stations treat each service instance like a separate data session inasmuch as these mobile stations perform dormant handoff re-registration for each service instance allocated to them." The Background also teaches that, "... a mobile station having six service instances performs six dormant handoffs, one for each service instance, each time it crosses packet zone boundaries." the examiner asserts that the features upon which the applicant relies are not cited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. *See in re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's arguments with respect to Wang not disclosing PCF is not persuasive since PCF is disclosed in Sayeedi (see Sayeedi, Fig. 1). Applicant's arguments with respect to claim 1 is not persuasive. In response to applicant's arguments that Sayeedi does not mention packet data service instances, the examiner asserts that claim 1 has been rejected by three references. Further, packet data service instances are inherent in CDMA2000. In response to applicant's arguments that Sayeedi's invention is for a different purpose than the inventor's and that the combination is improper, the examiner asserts that the combination of Sayeedi, Wang and Lancelat disclose every element of the claim 1 either expressly or inherently. All three inventions are with respect to dormant handoff, thus a person of ordinary skill in the art would have been able to combine the references and reach the claimed invention.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED A. CASCA whose telephone number is (571)272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Harper, can be reached at (571) 272-7605. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fred A. Casca/

Examiner, Art Unit 2617

/VINCENT P. HARPER/

Supervisory Patent Examiner, Art Unit 2617